

EXHIBIT O

HEALTH - GENERAL
TITLE 21. FOOD, DRUGS, AND COSMETICS
SUBTITLE 2A. ADVISORY COUNCIL ON PRESCRIPTION DRUG MONITORING.

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. HEALTH-GENERAL Code Ann. § 21-2A-01 (2008)

§ 21-2A-01. Advisory Council on Prescription Drug Monitoring [Subtitle subject to abrogation]

- (a) "Council" defined. -- In this subtitle, "Council" means the Advisory Council on Prescription Drug Monitoring.
- (b) Council established. -- There is an Advisory Council on Prescription Drug Monitoring in the Department.
- (c) Members. -- The Council consists of the following members:
 - (1) The Attorney General, or the Attorney General's designee;
 - (2) The Secretary, or the Secretary's designee;
 - (3) The President of the Maryland Board of Pharmacy, or the President's designee;
 - (4) The chair of the Maryland Board of Physicians, or the chair's designee;
 - (5) The president of the Maryland Board of Nursing, or the president's designee;
 - (6) The chair of the Maryland Health Care Commission, or the chair's designee;
 - (7) Four physicians and one nurse practitioner with expertise in areas of practice that involve pain management and substance abuse and addiction treatment, appointed by the Secretary after consultation with:
 - (i) The Medical and Chirurgical Faculty of Maryland, the Maryland State Medical Society, the Maryland Physical Medicine and Rehabilitation Society, and the Maryland Society of Anesthesiologists with respect to the physician appointments; and
 - (ii) The Maryland Nurses Coalition, the Maryland Coalition of Nurse Practitioners, the Nurse Practitioner Association of Maryland, the Maryland Association of Nurse Anesthetists, and the Maryland Nurses Association with respect to the nurse practitioner appointment;
 - (8) Four pharmacists, appointed by the Secretary after consultation with the Maryland Pharmacists Association, the Maryland Association of Chain Drug Stores, University of Maryland School of Pharmacy, and any other appropriate organization:
 - (i) Three of whom represent the perspective of independent and chain pharmacies and pharmacists; and
 - (ii) One of whom represents the perspective of hospital outpatient pharmacies;
 - (9) A member of the Society of Addiction Medicine;
 - (10) A State law enforcement official, appointed by the Secretary after consultation with the Maryland State Police;
 - (11) A local law enforcement official, appointed by the Secretary after consultation with the Maryland Chiefs of Police Association;
 - (12) A prosecutor, appointed by the Secretary after consultation with the Maryland State's Attorneys Association;
 - (13) Two Maryland citizens who represent the perspective of pain patients, appointed by the Secretary from a list submitted by the Maryland Pain Initiative; and

(14) Any other individual or representative at the Secretary's discretion.

(d) Chair. -- The Secretary shall designate the chair of the Council.

(e) Study of establishment of a prescription drug monitoring program. -- The Council shall study the establishment of a prescription drug monitoring program that electronically collects and stores data concerning monitored prescription drugs.

(f) Recommendations. -- The Council shall make recommendations to the Secretary for establishing a prescription drug monitoring program that:

(1) Assists health care providers and law enforcement professionals in:

(i) The identification, treatment, and prevention of prescription drug abuse; and

(ii) The identification and investigation of unlawful prescription drug diversion;

(2) Promotes a balanced use of prescription drug monitoring data to assist appropriate law enforcement activities while preserving the professional practice of health care providers and the access of patients to optimal pharmaceutical care; and

(3) Promotes appropriate and real-time access to prescription drug monitoring data by dispensers and prescribers to help prevent substance abuse and prescription drug diversion.

(g) Contents of study and recommendations. -- In its study and recommendations, the Council shall:

(1) Identify the prescription drugs to be monitored;

(2) Identify the types of dispensers that shall be required to submit information to a prescription drug monitoring program;

(3) Determine the data a dispenser must submit to a prescription drug monitoring program for a monitored prescription drug;

(4) Determine the process for submitting prescription drug monitoring data to a prescription drug monitoring program;

(5) Specify recipients authorized to receive prescription drug monitoring data from a prescription drug monitoring program;

(6) Identify the circumstances under which prescription drug monitoring data are provided to an authorized recipient;

(7) Identify the circumstances under which an authorized recipient may disclose prescription drug monitoring data provided by a prescription drug monitoring program;

(8) Determine how to ensure that confidential or privileged patient information is kept confidential;

(9) Define the process for interpreting prescription drug monitoring data for disciplinary or law enforcement purposes;

(10) Determine the most efficient and effective operation of a prescription drug monitoring program;

(11) Determine the cost of and sources of funds for establishing and operating a prescription drug monitoring program, including the cost of and sources of funds for submitting and receiving prescription drug monitoring data to and from the program;

(12) Determine whether the establishment and operation of a prescription drug monitoring program is feasible without additional cost to dispensers and authorized recipients;

(13) Determine a time line for establishing and implementing a prescription drug monitoring program;

(14) Identify the types of education and training needed to implement a prescription drug monitoring program;

(15) Determine the need for immunity from liability in connection with the submission or receipt of prescription drug monitoring data; and

(16) Determine the need for penalties for improper submission or use of prescription drug monitoring data.

(h) Reports. -- The Council shall submit to the Governor and, in accordance with § 2-1246 of the *State Government Article*, the General Assembly an interim report on or before December 31, 2008, and a final report on or before December 31, 2009 on the Council's study and recommendations.

HISTORY: 2008, ch. 276.

NOTES:

EDITOR'S NOTE. --Section 2, ch. 276, Acts 2008, provides that "this Act shall take effect June 1, 2008. It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.